

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
No. 3:16-CV-00133-FDW-DCK

HARTFORD FIRE INSURANCE
COMPANY, a Connecticut Corporation,

Plaintiff,

v.

HENDRICK CORPORATION, LLC, a North
Carolina limited liability company; MITSUI
SUMITOMO INSURANCE COMPANY OF
AMERICA, a New York corporation,

Defendants.

***RENEWED MOTION FOR
EXTENSION OF TIME FOR
DEFENDANT MITSUI SUMITOMO
INSURANCE COMPANY OF
AMERICA TO RESPOND TO
COMPLAINT***

Plaintiff Hartford Fire Insurance Company (“Hartford”) respectfully moves the Court for an Order extending the time by thirty (30) days within which Defendant Mitsui Sumitomo Insurance Company of America (“Mitsui Sumitomo”) may serve an answer or otherwise respond to the Complaint. In support of this Motion, Hartford shows the Court:

1. Hartford filed this action on March 17, 2016, and achieved service of the Summons and Complaint on Mitsui on March 21, 2016, via certified mail.
2. Hartford’s Complaint seeks a declaration that no insurance coverage exists for funds allegedly paid by Defendant Hendrick Corporation, LLC (“Hendrick”) to unwind consumer transactions that involved falsified income statements and fictitious trade-in vehicles. The Complaint alleges Mitsui Sumitomo issued excess liability policies to Hendrick and is an interested party to this litigation.
3. On April 7, 2016, Hendrick filed a Motion to Dismiss alleging, among other things, that Mitsui Sumitomo was not the excess carrier for the relevant time period. Hartford has

agreed with Mitsui Sumitomo to move the Court on Mitsui Sumitomo's behalf for the extension requested herein so that Hartford can evaluate Hendrick's contention.

4. Mitsui Sumitomo consents to this Motion. Counsel for Hendrick represents that Hendrick does not consent (for the reasons stated in its Response to the original Motion), but does not object to the extension of time requested herein.

5. This Motion is not made for purposes of delay.

WHEREFORE, Plaintiff Hartford Fire Insurance Company prays the Court enter an Order extending the time by thirty (30) days to and including May 11, 2016, within which Defendant Mitsui Sumitomo Insurance Company of America may serve an answer or otherwise respond to the Complaint.

This the 15th day of April 2016.

/s/ D.J. O'Brien III
D.J. O'Brien III
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CERTIFICATE OF SERVICE

The undersigned hereby certifies that the foregoing document was filed electronically with the Clerk of Court using the CM/ECF system, which will give notice of such filing to:

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*Attorneys for Defendant
Hendrick Corporation, LLC*

This the 15th day of April 2016.

/s/ D.J. O'Brien III
D.J. O'Brien III